IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

MFA.No. 1271 of 2001(B)

AGAINST THE JUDGEMENT IN OPMV.150/1998 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUR, Dated 23/06/2001

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APPELLANTS:
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1. KUNHIMOHAMMED, S/O SHAHUL HAMEED, AGED 38 YEARS, RAYINMARAKKARUVEETTIL, HOUSE, EZHUVATHIRUTHY AMSOM ERAKKAMANNA DESOM, CHANDAPADI, PONNANI.

2. POZHIPARAKATH SAFIYA, AGED 30 YEARS, W/O KUNHIMOHAMMED, RAYINMARAKKARUVEETTIL, HOUSE, EZHUVATHIRUTHY AMSOM ERAKKAMANNA DESOM, CHANDAPADI, PONNANI.

3. SANIB, AGED 17 YEARS (MINOR) S/O OF KUNHIMOHAMMED, RAYINMARAKKARUVEETTIL, HOUSE, EZHUVATHIRUTHY AMSOM ERAKKAMANNA DESOM, CHANDAPADI, PONNANI.

4. SALEEB, AGED 15 YEARS (MINOR) S/O KUNHIMOHAMMED, RAYINMARAKKARUVEETTIL, HOUSE, EZHUVATHIRUTHY AMSOM ERAKKAMANNA DESOM, CHANDAPADI, PONNANI.

5. SALITHA, AGED 13 YEARS (MINOR) D/O KUNHIMOHAMMED RAYINMARAKKARUVEETTIL, HOUSE, EZHUVATHIRUTHY AMSOM ERAKKAMANNA DESOM, CHANDAPADI, PONNANI.

BY ADV. SRI.P.CHADRASEKHAR

RESPONDENTS:
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1. RAFEEK, S/O KUNHALI, AGE NOT KNOWN, MUTHUMUTTATH HOUSE, CHEKANNOOR AMSOM, KUDUR DESOM, P.O., MUDUR, VATTAMKULAM.

   DRIVER OF JEEP NO.K.L.10 C/8044
   DL.NO.27/96 BADGE NO.339/97

2. P.P.MUSTHAFA, S/O KUNHEDU,
AGE NOT KNOWN,
MANZIL THOFIQUE, PANDALAMPARAMBIL HOUSE,
(P.O.) MUDUR, PONNANI

OWNER OF JEEP NO.KL-10 C/8044

3. UNITED INDIA INSURANCE COMPANY LTD,
BRANCH OFFICE, WADAKKANCHERY ROAD,
KUNNAMKULAM P.O., KUNNAMKULAM

INSUR OF JEEP NO.KL-10 C/8044
POLICY NO.101202/31/850/11/39482/1977.

BY ADV. SRI.PMM.NAJEEB KHAN

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K. BASHEER, JJ

M.F.A.1271/2001

Dated this the 15th day of October, 2007

JUDGMENT

Radhakrishnan, J

Claimants are the parents of the deceased child. Child was eight years old at the time of the accident. Tribunal under Section 140 of the MACT Act awarded a total compensation of Rs.72,500/-, in which Rs.50,000/- for minimum liability and an amount of Rs.20,000/- for pain and suffering. Appeal is filed claiming enhancement.

2. Considering the facts and circumstances, we are of the view that an additional amount of Rs.20,000/- can be granted for loss of love and affection and an additional amount of Rs.5,000/- for pain and suffering. Thus we are inclined to award an additional amount of Rs.25,000/- to the claimants.

3. Appeal is disposed of awarding additional amount of Rs.25,000/- to the appellants with 7.5% interest per annum from the date of petition till the date of payment.

K.S.RADHAKRISHNAN
Judge

A.K. BASHEER
Judge

mrcs